

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (DAYTON)**

ART SHY, et al.

Plaintiffs,

vs.

NAVISTAR INTERNATIONAL  
CORPORATION, et al.

Defendants.

Case No. 3:92-CV-00333

District Judge Walter H. Rice

**SECOND SUPPLEMENTAL DECLARATION OF W. B. MARKOVITS IN SUPORT OF  
CLASS REPRESENTATIVES' UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND ATTORNEY FEES AND EXPENSES**

I, W.B. Markovits, state as follows:

1. I am a partner in the law firm of Markovits, Stock & DeMarco, LLC ("MSD"), appointed to represent the Class Representatives, Miller Rodgers, Carl Potts, Richard Zounes, Bob Bergmann, and Fred Cortright ("Class Representatives") and the proposed Class.

2. The deadline for objections in this action was April 11, 2022. No objections were filed by that deadline, or since.

3. As of May 26, 2022, Class Counsel's fee lodestar is \$525,863.50. Additionally, Class Counsel has to date expended, without reimbursement, \$60,007.23 in expenses, primarily for the retention of ERISA consultant Natasha Fedder.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of May, 2022, in Cincinnati, Ohio.

/s/ W. B. Markovits  
W.B. Markovits